

Warren County Board of Supervisors

RESOLUTION NO. 499 OF 2021

RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER, GERAGHTY, DRISCOLL, CONOVER AND MAGOWAN

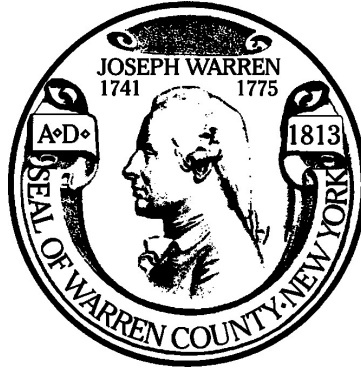
ADOPTING REVISED OUT-OF-UNIT EMPLOYEE BENEFITS POLICY FOR WARREN COUNTY

WHEREAS, the Board of Supervisors most recently updated and adopted the Out-of-Unit Employee Benefits Policy for Warren County by Resolution No. 398 of 2021, and

WHEREAS, the Personnel & Administration Committee has reviewed suggested changes to Section G of the Out-of-Unit Employee Benefits Policy relating to reimbursement for training, certification and credit-bearing work, to increase reimbursements to One Hundred Percent (100%) and has recommended that the same be advanced to the full Board of Supervisors for consideration, now, therefore, be it

RESOLVED, that the Out-of-Unit Employee Benefits Policy for Warren County annexed hereto, be and the same is hereby adopted as the official Policy for Warren County, and be it further

RESOLVED, that any and all prior Out-of-Unit Employee Benefits Policies, Resolutions or parts thereof inconsistent with the annexed Out-of-Unit Employee Benefits Policy for Warren County are hereby repealed effective November 19, 2021.



**WARREN COUNTY
OUT-OF-UNIT EMPLOYEE BENEFITS
POLICY**

SECTION 1. SALARY AND COMPENSATION PLAN

- A. All employees outside the bargaining units shall be compensated according to the Warren County Salary and Compensation Plan adopted by the Board of Supervisors and according to such further Resolutions as may be adopted by the Board from time to time. For the purposes of computing salaries and where applicable, overtime and other benefits, the annual salary of all employees outside the bargaining units (with the exception of the appointed and executive employees) shall be divided by 2,080 hours. The salaries of all appointed and executive employees outside the bargaining units shall be divided by 1,820 hours as set forth in Res. 439 of 2010.

SECTION 2. WORKDAY, WORKWEEK, OVERTIME

- A. **Regular Hours.** The regular hours of work in each day shall not exceed eight hours, except that the hours worked when attending an authorized out-of-town conference, training class, seminar or similar educational class may be more than eight hours but not more than 11 hours when the Department Head (or designee) and the employee agree that the time worked over eight hours (not more than 11), will be taken as authorized time off later in the same workweek. Agreement by the Department Head and employee must be in writing using a form provided by the County Attorney. If an agreement is not reached it is understood that the Department will either pay overtime or not authorize/require the employee to attend the conference, training class, seminar or similar education class for more than eight hours.
- B. **Overtime.** Overtime must first be authorized by the Department Head. When an employee who is required under law to receive overtime pay is authorized or required by the Department Head to work in excess of 40 hours per week, or more than eight hours in one day, he/she shall be entitled to receive compensation at the rate of time and one-half of his hourly rate of pay, except no overtime compensation shall be required under circumstances where an agreement is reached pursuant to division A. above.
- C. **Flex Time.** In addition to the foregoing, the regular hours in each day for all departments in which non-exempt employees outside the bargaining unit work shall not exceed eight (8) hours per day except where an employee and a Department Head agree that the employee may work in excess of eight (8), but not more than ten (10) and take authorized time off later in the same work week on an hour for hour basis. Hours worked under this provision must be tracked and marked as flex time on the employee timesheet. The employee shall not be entitled to overtime pay for the hours used as flex time.
- D. **Compensatory Time.** Notwithstanding the foregoing provisions of this section, non-exempt employees may elect to take time off duty in lieu of payment for overtime that they are requested or required to work. Compensatory time off shall be at the rate of one and one half hours off for each hour worked. The elections to accrue and take compensatory time off will be made in writing on forms prescribed by the County Administrator. In the absence of such election, the overtime work will be paid for at the regular overtime rate. Requests for compensatory time off shall be

granted in the order that they are received. In the event that more than one request is received at the same time, seniority shall govern. Requests for compensatory time off shall not be made more than thirty (30) days in advance. An employee may accumulate up to forty (40) hours of compensatory time off in lieu of overtime. All accumulated and unused compensatory time off shall be paid to the employee by separate check in the last payroll in each calendar year. The employee shall thereafter be allowed to once again start to accrue time for the following year. Any such payment that is in excess of \$50 will be made by separate check. Approval of requests for use of compensatory time shall be conditioned upon the needs of the employee's department as determined in the sole discretion of the Department Head or designee.

- E. **Call in Pay.** Beginning January 1, 2020 the County will provide a guarantee of 1 hour call-in time at the rate of time and one-half whenever an overtime eligible employee is required and authorized to perform necessary work outside of normal working hours and when the time worked does not immediately precede a normal work shift or immediately follow a normal work shift.

SECTION 3. DEFINITION OF EMPLOYEES

The following definitions shall apply:

Administrative Employee. Employees responsible for department activities in the absence of the Department Head or Deputy Department Head and who assist in the enforcement of departmental policies and regularly exercise discretion and independent judgment with authority to make important agency decisions.

Executive Employee. A Department Head or Deputy Department Head.

Full-time Employee. A person who is employed by the County for a 12-month period of time and who works 35 hours per week or more.

Less than Half-time Employee. A person who is employed by the County for a 12-month period and works less than 20 hours per week.

Part-time Employee. A person who is employed by the County for a 12-month period and who works less than 35 hours per week but more than 20 hours per week.

Professional Employee. Employees performing work which requires knowledge of an advanced type in a position where the employees invention, imagination, and talent in a specialized field is required for project completion. Employees perform work which is unique to a career field (i.e., Law, Medicine, Planning), as distinguished from clerical, manual, mechanical or physical duties.

Temporary Employee and Seasonal Employee. A person who is employed for a particular program or project for a period not exceeding six months.

SECTION 4. FRINGE BENEFITS

Part-time employees as herein defined shall receive fringe benefits in the same proportion as the ratio of the number of hours the employee works to the number of hours in the regular workweek. Less than part-time employees including less than half-time and temporary or seasonal employees shall receive no fringe benefits.

SECTION 5. HOLIDAYS.

A. **Paid Holidays.** All employees in County service shall be entitled to the following paid holidays:

1. New Year's Day;
2. Martin Luther King's Birthday;
3. President's Day;
4. Memorial Day;
5. Independence Day;
6. Labor Day;
7. Columbus Day;
8. Veteran's Day;
9. Thanksgiving Day;
10. Christmas Day.

B. **Holiday Pay.**

In order to be paid for a holiday, the employee must work the employee's last scheduled workday before and after the holiday, except with the approval of the applicable Department Head or designee. In the event an employee at a County facility operating seven days a week shall be denied holiday pay by reason of this provision, the employee shall have the right, within the same payroll period of the holiday or the payroll period immediately following said payroll period, to appeal the denial to the Human Resources Director who shall determine whether the employee shall be paid for the holiday. In making a decision, the Human Resources Director shall allow the employee, the employee's immediate supervisor or other designated representative and Administrator to be heard. The Human Resources Director shall render the decision in writing and shall include the basis or rationale for the decision. The decision shall be delivered to the employee, the employee's supervisor or designee and the Administrator.

C. **Working on Holidays.**

When a non-bargaining unit, Fair Labor Standards Act exempt employee is required, as part of the customary work schedule, to work on one of the officially-designated county holidays, or if such an employee is called to work on such a holiday, the employee shall be compensated at such employee's regular salary rate for the payroll period and receive leave credit for a full work day to be used within six months of the date of such accrual with the department head's prior approval (which approval shall not be unreasonably withheld). If such employee's normally scheduled day

off falls on the official holiday, the employee shall likewise accrue one full work days' leave to be used within six months upon prior approval of the department head (which such approval shall not be unreasonably withheld).

D. Weekend Holidays.

1. Full-time employees will be paid the regular weekly salary without deduction when one (1) of the above holidays is observed during the workweek.
2. Part-time employees will be paid at their regular wage for the day when a holiday falls or is observed within their respective workweek schedule.
3. Temporary and seasonal employees as defined herein will be paid their regular wage for the day where a holiday falls or is observed within their respective workweek schedule.
4. If a holiday falls on a Sunday, it will be observed on the next day thereafter. If it falls on a Saturday, it will be observed on the preceding Friday.
5. If a holiday falls on any other day, the General Construction Law and amendments then in effect will govern the day of its observance.
6. If a holiday falls during a vacation period, the day will not be charged against the employee's vacation credits. Vacation days are charged solely against working days.
7. Any employee not in an executive, administrative or professional position who is required to work on one(1) of the scheduled holidays shall be paid time and one-half (1/2) plus the holiday pay if the holiday falls during the employee's regular workweek schedule. Election Department employees shall be given an additional day off if required to work on Election Day.
8. Any employee not in an executive, administrative or professional position who is called into work on a contract holiday shall be paid time and one-half (1/2) plus the holiday pay.

For the purposes of this Section the day to be considered the holiday shall be the day observed by the County as the holiday irrespective of whether such day is the actual holiday. This regulation shall be waived for the following holidays: New Year's, Christmas and Independence Day. On such holidays, the day to be considered the holiday shall be the day on which the holiday actually falls.

E. Floating Holidays.

Subject to the provisions herein, full-time employees shall be entitled to two additional days of with pay at their usual daily rate. These days shall be known or referred to as "floating holidays" and shall be used within restricted periods of time. One floating holiday shall be taken between January 1st and June 30th of each year. The other shall be taken between July 1 and December 31 of each year. The days may be used in conjunction with vacation or personal days. Rules concerning scheduling and/or use shall be the same as those applicable to vacation days. The days must be taken. Days earned and not taken through no fault of the employee shall be treated in the same manner as vacation days not taken under the same circumstances. Part-time employees shall receive the benefit of the floating holidays in the same proportion as the ratio of the number of hours the employees work to the number of hours in the regular work week. In their first year, a new employee shall be entitled to the floating holidays provided that the new employee was on the payroll at the time of

the actual Lincoln’s Birthday holiday or Election Day.

SECTION 6. VACATION, SICK LEAVE, PERSONAL LEAVE, BEREAVEMENT LEAVE.

A. Vacation Leave.

Employees Hired after January 18, 2013. All full-time and part-time employees commencing work on or after January 18, 2013 shall accrue leave from the date of hire on a pro-rated bi-weekly basis. Vacation time will be earned in the amounts outlined in the table in item number 2. Any leave time accrued shall not be considered earned until the newly hired employees have completed six (6) months of continuous service. Once six (6) months continuous service has been completed, the employee may use any of the accrued time or continue to save the time for future use in accordance with other applicable provisions of this agreement. If a new employee shall not complete six (6) months continuous service, the accrued time shall not be considered earned and shall not be payable to the employee upon termination or otherwise leaving the County. Any employee beginning work with Warren County shall always accrue all vacation time provided for herein on a pro-rata bi-weekly basis and such vacation time must be used not later than eighteen (18) months from the time earned or the vacation time shall be forfeited or lost and no compensation shall be made to the employee.

Employees Hired Prior to January 18, 2013. All full-time County employees hired prior to January 18, 2013 shall be entitled to a vacation with pay after completing one (1) years of total continuous service as follows:

1 year of service	10 working days
3 years of service	11 working days
4 years of service	12 working days
5 years of service	13 working days
6 years of service	14 working days
7 years of service	15 working days

An additional day of vacation shall be added each year until a maximum of twenty (20) working days are attained.

Vacation credits shall be computed from the day of entry into County service and computed on January 1st of each year. For the purpose of determining the effective date of earned vacation the period of service shall be computed from the 1st day of January in the year the employee was first appointed.

Vacations shall be scheduled with the approval of the employee’s Department Head, which approval shall not be unreasonably withheld. All vacations shall be taken in the calendar year during which

the employee becomes entitled thereto. Vacation credits shall not be carried over from one (1) calendar year to another or used in whole or in part any year except the year in which it is due; provided, however, that the County will allow an employee: 1) to carry part of the vacation time earned in one calendar year over into the succeeding calendar year upon advance notice to the Department Head, and solely as a continuation of a planned trip commenced in the twelfth (12th) month of the calendar year; or 2) to carry over up to five (5) vacation days, not taken through any fault of the employee, into the succeeding calendar year, upon notice to the Department Head by December 1st of the current calendar year, to be taken no later than June 1st of the succeeding calendar year.

Vacation Provisions Applicable Regardless of Date of Hire:

1. Vacation leave may be taken in one hour increments. A vacation day taken the day before or day after a holiday must be approved in advance by the Department Head.
2. The period of employment referred to above shall be for a period of total service in Warren County employment. Vacation credits shall be computed from the day of entry into County service.
3. A day of vacation shall be a working day.
4. All vacation time must be taken with the time frames provided and any time not so taken shall be forfeited or lost and no compensation shall be made to any employee, except that vacation time earned and not taken shall be paid to the employee upon application to the Warren County Board of Supervisors and a finding by such Board that 1) in the case of an employee who is not a Department Head that the employee was requested to not take vacation time or was affirmatively denied the opportunity to take vacation time at any time during the time frames herein provided by the Department Head or 2) in the case of a Department Head, the Department Head was requested by the Board of Supervisors to not take vacation or was affirmatively denied the right to take vacation or 3) with regard to any employee injury or disability prevented the use of vacation time. The application provided for herein must be made within 6 months of the end of the year in which the use of vacation time was earned and payment, if awarded, will be at the rate earned. Failure to make such an application shall constitute forfeiture and/or waiver of right to be compensated for qualifying unused vacation time and the County shall have no continuing liability therefore.
5. Time earned and not otherwise taken through no fault of the employee as provided herein, shall be paid to an employee at the time of his/her termination of service.
6. Part-time employees and full-time employees who work less than forty (40) hours per week will be entitled to vacation credits based on their regular workday and regular workweek.
7. In order to be paid for a vacation day, the employee must work the employee's last scheduled work day before and after the vacation day, except with the employee's supervisor's approval.

B. Sick leave.

1. Absence from duty by an employee by reason of sickness or disability of himself or herself shall be considered "sick leave".
2. Employees shall be entitled to sick leave with pay on the basis of ten (10) working days in each year. The ten (10) working days per year allowed to an employee for sick leave will be earned at the rate of one (1) day of sick leave for each month of employment except for the sixth and twelfth months during the year of employment where no days will be earned. Such sick leave with pay shall be granted to the employee by the Department Head. The Human Resources Director may require a physician's statement for any absence of more than three (3) consecutive days.
3. Employees shall be allowed to take sick leave in no less than one (1) hour intervals.
4. Absence from duty by an employee by reason of sickness or disability of an immediate member of employee's family shall also be considered "sick leave", provided, however, 1) the sickness or disability of the immediate family member must require the physical presence and actual assistance of the employee; 2) a full-time employee may use no more than 10 or the maximum number of sick leave days the employee has available for use, whichever is less, in any calendar year for immediate family member sickness or disability and the number of days available for use by the part-time employee shall be that portion of 10 days which is in the same proportion to the number of hours worked when compared to full time employees and in no event shall exceed that the employee has accrued; 3) the use of sick leave for immediate family sickness or disability shall be subject to the same rules of use as are applicable to the employee's use of sick leave for employee's own sickness or disability including disciplinary action should the sick leave not be used in accordance with the rules specified herein; 4) the use of sick leave for immediate family member sickness or disability shall be subtracted from or charges to the employee's sick leave balance in the same manner as if used for the employee's own sickness or disability; and 5) immediate family member shall mean parent, spouse, sibling, child, grandparent, grandchild, parent-in-law, step-family relationships, and any relative or person residing in the immediate household of the employee.
5. No employee shall receive any part of his/her compensation while absent from duty because of sickness or disability except as herein provided.
6. The days allowed to an employee for such leave with pay may be accumulated to a maximum of one hundred sixty five (165) days, and may be kept to his or her credit for future sick leave with pay.
7. In the event that any employee utilizes the sick leave benefits provided by this Section while not actually sick, such employee will be subject to disciplinary proceedings.
8. Any employee hired prior of January 18, 2013 who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, who has not used all of his/her accumulated sick leave at the time of his/her retirement, he/she shall be paid in cash at the hourly rate then in effect, for one-half (½) of the accumulated sick leave to his/her credit, with a maximum of seventy (70) days to be paid in cash.

9. Any employee hired after January 18, 2013 who is not represented by a union or collective bargaining agreement, with the exception of Sheriff's Office employees and elected officials, will receive no cash payout for unused sick time.
10. Part-time employees will earn sick leave credits based on their workday and workweek.
11. Less than half-time, temporary and seasonal employees shall not be entitled to receive sick leave credits.

C. Personal leave.

1. Personal leave is leave with pay for personal business, including religious observance, without charge against accumulated vacation credits.
2. Full-time employees in County service shall be entitled to personal leave not exceeding a total of three days in each year.
3. Part-time employees will earn personal leave credits based on their workday and workweek.
4. Less than half-time, temporary and seasonal employees shall not be entitled to personal leave credits.
5. Personal leave shall not be cumulative and no part thereof shall be carried over from one calendar year to another. Unused personal leave shall not be liquidated in cash at the time of separation, retirement or death.
6. Personal leave shall be granted only by prior approval of the Department Head and only at a time convenient to the Department, and may be taken in multiples of not less than one hour.
7. An employee shall not be entitled to personal leave time until after four months of continuous employment.
8. Each new full-time permanent employee shall be credited with one day of personal leave after four months of continuous employment and one additional day of personal leave after eight months of continuous employment and by an additional day of personal leave at the end of the tenth month of employment, except all new employees shall have three personal leave days credited as of January 1, whether they have completed ten months of service or not.

D. Leave of absence.

1. **Military leave.** County employees who are members of military reserve units and are required to go on active duty for training purposes shall be entitled to leave without loss of pay for such time as is necessary to fulfill such military training obligation, but not exceeding 30 workdays per calendar year. Payment shall not be made to such employee unless a copy of the military orders is submitted to the Department Head. Military leave may be taken intermittently.
2. **Medical leave, education leave and family leave.**
 - a. To request a leave of absence under the Family and Medical Leave Policy, please refer to

the Family and Medical Leave Policy for Warren County Employees found in Resolution 217 of 2015.

- b. Extension of authorized medical leave will be granted after an approval by the Department Head and the Personnel Committee of Warren County.
- c. Unpaid educational leave may be requested up to a period not to exceed 10 months.
- d. All requests for leave shall be approved by the Department Head and the County Director of Human Resources prior to the granting of leave. Employees shall receive a reason in writing for any denial of a request for leave.
- e. Upon termination of an authorized leave of absence, the employee will be reinstated without interruption of service, rights and benefits.
- f. In the event an employee is reinstated in his/her old position within two months from the date he/she has resigned or for any reason has left his/her position, he/she will be reinstated with all his/her accumulative rights and benefits as if no interruption in service has occurred.

E. Bereavement leave and funeral leave.

1. Employees may be absent from work without loss of pay by reason of death in the immediate family up to a maximum period of three (3) working days, commencing from the date of death of the family member or day before the funeral. Immediate family includes only parent, spouse, sibling, child, grandparent, grandchild, parent-in-law and any relative or person residing in the immediate household of the employee.
2. Employees may be absent from work without loss of pay for one day to attend the funeral of the employee's child-in-law, sibling-in-law, or grandparent-in-law.
3. When extreme weather conditions will not allow for a burial until spring, an employee may reserve and schedule a day of the bereavement leave discussed above for such reason.

F. **Employee approval.** The employer shall not have the right to charge any employee's leave credits without that employee's approval.

G. **No discrimination.** The County shall administer the policies set forth in this Resolution in a manner which will be fair and impartial to all employees and there shall be no discrimination against any employee because of age, race, creed, color sexual orientation, national origin military status, sex, disability, predisposing genetic characteristics, or marital status.

SECTION 8. HEALTH INSURANCE AND DENTAL INSURANCE PLANS.

A. Employee Eligibility.

Warren County employee shall be eligible for coverage under the Warren County Health Insurance Plan if any of the following conditions apply:

1. Said employee is employed at a rate of at least thirty (30) hours per week on a regularly scheduled basis, or

2. Is employed less than thirty (30) hours per week:
 - a. Is a paid elected official; or
 - b. Is a paid member of a public legislative board.
3. Health insurance benefits for full-time (30+ hours per week) non-bargaining unit employees who began work with Warren County prior to December 21, 2012 shall be as follows:
 - a. Effective December 1, 2021, the County shall offer health insurance to current full-time employees not part of any collective bargaining unit on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes twenty percent (20%) of the health insurance premium. Commencing December 1, 2022, the amount of the aforesaid contribution shall be increased to twenty-one percent (21%). Commencing December 1, 2023, the amount of the aforesaid contribution shall be increased to twenty-two percent (22%).
 - b. All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays.
 - c. The health insurance coverage option(s) afforded eligible retirees under 65 years of age shall be the same as that provided to eligible active employees. The Health Insurance coverage option(s) afforded eligible retirees 65 years of age and older shall be through Medicare Advantage Plans or similar plans offered to eligible Union employee retirees with the same status;
 - d. The County will offer coverage to full-time non-bargaining unit employees who retire, provided that said employee a) has at least ten (10) years of total service as a Warren County employee; b) has retired under the New York State Retirement System or is retired and is receiving or will receive Social Security Benefits and would have been eligible to retire and receive benefits under the New York State Retirement System if the employee had been a participant in said Retirement System; c) is enrolled in the Warren County Health Insurance Plan at the time of retirement; d) the contribution to be paid toward the health insurance premium by all eligible retirees under the age of sixty-five (65) shall be the amount equivalent to the amount paid by active eligible employees and may be increased or otherwise changed from time-to-time; e) the contribution to be paid by current active eligible employees who become retirees sixty-five (65) or older, after August 16, 2013 and who began employment with Warren County prior to December 21, 2012, shall be a percentage equal to that percentage being contributed by active full-time employees commencing work prior to December 21, 2012, as may be increased or otherwise changed from time-to-time.
 - e. Two members of the same family employed by the County may only be enrolled in one (1) health insurance plan. However, if two (2) members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan but the County will contribute a maximum total amount equal to the County's contribution to a two person plan.

4. Health insurance benefits for new full-time (30+ hours per week) non-bargaining unit employees beginning work with Warren County on or after December 21, 2012 shall be as follows:
 - a. Effective December 1, 2021, the County shall offer health insurance to current full-time employees not part of any collective bargaining unit on an individual, two-person or family coverage basis (depending on the qualifications and election of the employee) provided that the employee contributes twenty-five percent (25%) of the health insurance premium.
 - b. All health insurance coverage shall be afforded with the maximum co-pay of 25/40 for office co-pays and 10/30/50 for drug plan co-pays.
 - c. The County will offer health insurance Medicare Advantage plans or similar plans to full-time non-bargaining unit employees who retire, provided that said employee a) retires from the New York State Retirement Plan; b) had insurance coverage in the previous ninety (90) day period; c) is sixty-five (65) years of age or older; d) has at least twenty (20) years total full-time county service; e) pays a percentage equal to that shared percentage being contributed by active full time employees commencing work on or after December 21, 2012, as may be increased or otherwise changed from time to time. If the employee leaves County service before reaching the age of sixty-five (65), the employee shall not be entitled to continue health insurance through Warren County. Once the employee who leaves the County reaches sixty-five (65) years, assuming all other eligibility criteria outlined above are met, the employee may then elect to receive benefits outlined above.
 - d. Two members of the same family employed by the County may only be enrolled in one (1) health insurance plan. However, if two (2) members of the same family employed by the County are eligible to be enrolled in a two-person plan, each employee may enroll in their own individual plan but the County will contribute a maximum total amount equal to the County's contribution to a two person plan.

B. Coverage in Retirement.

1. Eligibility in retirement is as set forth in Section 1. Employees with at least 10 years total service as a Warren County employee, vested status who leaves County employment prior to retirement under the New York State Retirement System may continue coverage in Warren County Health Insurance Plan by paying both the employer and employee shares of the health insurance premium. After retirement begins, said employee shall be liable for only the employee share of the premium.
2. An active employee who is eligible for coverage and has elected not to enroll in the County Plan during his active employment may enroll in the Plan at any time prior to retirement during an open enrollment period.
3. A covered employee or retired employee who fails to remit the required premiums shall be terminated from coverage.
4. An employee who is eligible for coverage at the time of retirement and who elects not to continue coverage or to not enroll for coverage as a retired person shall be eligible to enroll for coverage after retirement provided such employee has at least twenty (20) years of total service as a Warren County employee.

C. Death of an Employee While in Service.

The surviving spouse and minor children of a Warren County employee who dies while in service and prior to retirement shall be eligible for continued coverage under the Warren County Health Insurance Plan and shall pay only the employee share of the premium under the following conditions:

1. the deceased employee had at least ten (10) years of total service as a Warren County employee; and
2. the deceased employee was vested under the New York State Retirement System at the time of his/her death.

D. Death of Retiree

The surviving spouse and minor children of a retired Warren County employee shall be eligible for continued coverage under the Warren County Health Insurance Plan and shall pay only the employee share of the premium under the following conditions:

1. the deceased employee had at least ten (10) years of total service as a Warren County employee; and
2. the deceased employee had retired and was eligible for or receiving benefits under the New York State Retirement System at the time of his/her death.

“Continued coverage” as used in this in this Resolution shall mean the coverage available to all Warren County employees and members of the employee’s family.

SECTION 9. RETIREMENT PLANS AND DEATH BENEFITS.

A. Retirement - generally.

Retirement benefits and death benefits, to the extent available, are provided through the New York State and Local Employees’ Retirement System. Information concerning the nature and extent of the retirement benefits may be obtained through the Human Resources Department and/or from the New York State and Local Employees’ Retirement System.

B. Career retirement plan.

The County has adopted a Resolution providing for a Career Retirement Plan for County-employees pursuant to N.Y. Retire. & Soc. Sec. Law § 75-i. The foregoing shall be amended to the extent necessary to reflect changes in the N.Y. Retire. & Soc. Sec. Law as it applies to so-called “Tier Three” category employees. Such plan shall become effective upon compliance with applicable New York State laws and implementation by the New York State Retirement and Social Security System.

C. Guaranteed ordinary death benefit.

The County has adopted a Resolution providing for a guaranteed ordinary death benefit under N.Y. Retire. & Soc. Sec. Law § 60-b as amended by the Laws of 1970 which provides, for County

employees who qualify, a guaranteed minimum death benefit of three times the annual rate of pay but limited to \$20,000.

SECTION 10. MISCELLANEOUS PROVISIONS.

A. Coffee breaks.

All employees shall be allowed one coffee break during each four hours of his/her regular day and each Department Head shall establish such rules and regulations as may be necessary to implement these employee rest periods.

B. Annual statement of accrued time.

Each employee will view his/her time and accruals electronically unless there is no computer access available in the employee's workplace. Each employee who does not have computer access in the employee's workplace will receive a paper copy of his/her time or leave through the Human Resources Department.

C. Submission of time records.

For the purpose of maintaining leave balances, all employees are to submit weekly time records using Novatime. Overtime payment for those non-exempt employees not deemed executive, administrative or professional shall be listed on weekly time records. Hours reported in excess of 40 hours weekly for those employees designated executive, administrative or professional are NOT eligible for overtime compensation.

D. Medicare premiums.

Upon the exclusion from the coverage of the County's health insurance plan of the supplemental medical insurance benefits under Medicare, the amount of such Medicare premium will be deducted from contributions payable by the employee and the employer contributions to the Health Insurance Fund shall be adjusted as necessary to provide such payments.

E. Workers' compensation and disability insurance.

Warren County Workers' Compensation and Disability Insurance is through self-insurance and benefits and use or credit of sick leave will be in accordance with the rules established thereunder.

F. Jury duty compensation.

The County will pay an employee for the first three (3) days of jury service. Commencing with the fourth day of jury service, the County will pay an employee who serves on a jury the difference between the jury pay and 40 hours pay at straight time. Volunteers will not be paid and provisions must be made for reporting for work on short court sessions or days when the County is working although the Court may not be in session. No payment will be made to any employee who is exempt by law and waives the exemption by failing to claim the exemption or by volunteering to serve.

G. Reimbursement to Employees for training, certification and credit-bearing course work.

County employees who are not represented by a union or collective bargaining agreement, with the exception of elected officials, shall be allowed to take employment related training, certification (including non-credit bearing certification programs) and credit-bearing courses (collectively referred to as “course work”) that benefit Warren County pursuant to the application and approval procedures adopted by the County Board of Supervisors. Upon satisfactory completion of the course with a “C” grade or better, the County shall reimburse the employee for 100% of the cost for tuition, books and fees related to taking the course work, subject to lifetime limits of \$10,000 for Full time employees, \$5,000 for Part time employees, \$2,500 for less than Part time employees and \$1,000 for Per Diem employees. If an employee does not work for at least 12 consecutive months after completing the course work for which the County has reimbursed the employee, the employee will refund the County the total amount paid by the County to the employee.

H. Employee indemnification.

The indemnification benefits of N.Y. Pub. Off. Law § 18 has been conferred upon all County employees, provided such employee complies with all of the requirements of N.Y. Pub. Off. Law § 18.

I. Americans with Disabilities Act.

The County shall comply with the applicable provisions of the Americans with Disabilities Act.